

YCS - 6-15-08

CRF 08-3355

8130

MARCO ANTONIO TOPETE

DEPT 7

6-27-08

CONT. ARR/PLEA

1) 187(A)PC/190.2(A)(7)/190.2(A)(5)/190.2(A)(22)/190.2(A)(15)PC; 1a) 12022.53(D)PC;
 2) 12031(A)(1)(2)(C)PC; 3) 12021(A)(1)PC; 4) 2800.2(A)VC; 5) 186.22(A)PC; 6) 273A(A)PC;
 CASE ENH. a) 667(A)(1)PC; b) 667(A)(1)PC; c) 667.5(b)PC; d) 667(e)(2)PC

JUDGE DAVID ROSENBERG

CT RPTR

Muller

BOOKING FEE \$154.48

CLERK

C. MORRIS

A APPEARANCES:

- 1 ☒ Deft. appears ☐ In custody ☐ Deft. not appearing
 2 ☒ With / by Atty. / Pub. Def. Reising
 3 ☒ Deputy Dist. Atty. Reising
 4 ☐ Deputy Probation Officer
 5 ☐ Interpreter sworn L: _____
 6 ☐ _____
 7 ☐ Stip. to Pro-Tem Judge

B ARRAIGNMENT:

- 1 ☒ Answers true name as charged
 2 ☐ Waives reading of Compl / Info / Dec
 3 ☐ Handed copy of Compl / Info / Dec
 4 ☐ Handed copy of Discovery
 5 ☐ Defendant Duly Arraigned
 6 ☐ Waives Formal Arraignment

C REFERRALS ORDERED:

- 1 ☐ Referred to: PUBLIC DEFENDER
☐ Referred To: PROBATION
 2 ☐ Pre-Plea ☐ Bail Study ☐ O.R. Report
 3 ☐ R & S ☐ Diversion ☐ Supplemental
 4 ☐ Pub. Def. Conflict Filed; Appointed
 5 ☐ _____
 6 ☐ Report to _____ for booking

D ORDERED CONTINUED TO:

- Date 7-3-08 Time 3:30 For Ruling Dept 5
 1 ☒ on intn (170.1 PC),
cont Arr/plea
 2 ☐ _____
 3 ☐ _____
 4 ☐ _____
 5 ☐ Copies to DA _____ 6 ☐ Crt Ack _____ Rpt _____
 7 ☐ Continued Party Mot. 8 ☐ Continued Court Mot.

E MOTIONS / AMENDMENTS / ORDERS:

- 1 ☐ Motion to / for _____
 2 ☐ Argued & Submitted ☐ Submitted without argument
 3 ☐ Granted ☐ Denied ☐ Taken Under Submission
☐ Grounds: _____
 4 ☐ Complaint amended on its face to add CT # _____
 a violation of section _____
 5 ☐ Count # _____ Reduced to _____ ☐ 17b
 6 ☐ Complaint amended on its face to correct count # _____
 to a violation of _____
 7 ☐ Protective Order signed / filed / served in open court / to remain
 in effect to _____

F WAIVERS / PLEAS:

- 1 ☐ Defendant waives Constitutional Rights
 (SEE REVERSE)
 2 ☐ Pleads Guilty, CT # _____
 3 ☐ Pleads No Contest, CT # _____
 4 ☐ Pleads Not Guilty, CT # _____
 5 ☐ Jury Trial Waived / Demanded
 6 ☐ Time for Trial / PX / Waived / NOT Waived / Cont.
 7 ☐ Defendant requests permission to withdraw
 NOT GUILTY / GUILTY / NO CONTEST Plea

- 8 ☐ Prior convictions _____
☐ Admitted ☐ Denied
 9 ☐ Constitutional Rights and plea form filed
 10 ☐ Defendant waives time for sentencing
 11 ☐ Court Finds / Cou Stip: Factual Basis
 12 ☐ Cou / Peo States Reason for Plea on the Record
 13 ☐ Diversion granted, count _____ suspended
 for _____ months.
 14 ☐ Per Court / DA dismiss, Complaint / CT # _____

G WARRANT ORDERS:

- 1 ☐ Bench / Arrest Warrant to Issue
☐ Bail Set at \$ _____
☐ No NTA / OR Release
 2 ☐ For _____
 3 ☐ Recalled ☐ Filed ☐ Set Aside
 4 ☐ Hold Until _____
 5 ☐ Held Warrant Issued
 6 ☐ Civil Assessment Ordered \$300.00

H PROBATION ORDERS: ☐ Formal ☐ Informal ☐ See Probation Order

- 1 ☐ Probation Reinstated / Modified: Original terms in full force and
 effect except as follows:
 2 ☐ Sentenced to _____
 3 ☐ Case transferred to _____ purs. to 1203.9PC
 4 ☐ Defendant given rights to Revocation Hearing: Admits / Denies allegations.

- 5 ☐ Sent to State Prison, Execution of Sent. Susp.
 6 ☐ Probation Revoked: Defendant found in violation of probation.
 7 ☐ Probation terminated _____
 8 ☐ Diversion terminated: passed / failed
 9 ☐ Criminal Proceedings Reinstated / Dismissed
 10 ☐ Probation Extended to _____
 11 ☐ Proceedings Susp.
 12 ☐ Def Accepts Prob. / Reinstatement

I FINE / REFERRAL ORDERS:

- 1 ☐ Fine (Inc. P/A) _____
 2 ☐ A/R Fee \$35
 3 ☐ Court Sec. \$20
 4 ☐ NTA Fee \$10
 5 ☐ Rest 1202.4 \$110/\$220
 6 ☐ Other _____
 7 ☐ _____ Mo./Beginning
 8 ☐ Referred to traffic school
 \$ _____ by _____

- 9 ☐ Proof shown dismiss CT # _____
 10 ☐ Fine / Jail Suspended on CT # _____
 11 ☐ Pay attorney fee costs ☐ Misd. ☐ Felony ☐ Waived
 12 ☐ Proof of correction on CT # _____ due by _____
 13 ☐ \$10.00 Fix-It Fee on CT # _____ due _____
 14 ☐ Civil Assmt. owed \$300 or reduced to _____
 15 ☐ Warrant repo & DMV Fees owed WR \$15 DMV \$10

J BAIL ORDERS:

- 1 ☐ BB / CB forfeited
 2 ☐ BB / CB forfeiture set aside and reinstated / exonerated
☐ Upon pmt. of \$ _____ for re-assumption fee.
 3 ☐ BB / CB exonerated

PAROLE HOLD

K JAIL ORDERS:

- 1 ☐ Be imprisoned _____ hrs / days / months / yr. with CTS
☐ Plus _____ days in lieu of fine in ☐ Co. Jail ☐ State Prison
☐ See Additional Page for State Prison Sent.
 2 ☐ Credit for Time Served _____ hrs / days / months
 3 ☐ Sentence to commence _____
 4 ☐ Serve consecutive / concurrent with _____

L REMANDING ORDERS:

- 1 ☒ Remanded to County Jail Bail set \$ NO BAIL
 2 ☐ Remanded to Serve Time
 3 ☐ Ordered Released ☐ On own OR ☐ Conditional
 4 ☐ To be transported by Prob. Ofcr. / Program Rep.

M DEFENDANT STATUS:

- 1 ☐ OR ☐ BB ☐ CB ☐ NTA / LTA Continued ☐ ROP ☐ OTA
☐ Search person / property / residence ☐ Test Alcohol / Drugs
 2 ☐ Attend Counseling / NA / AA _____ x Week
 3 ☐ Bring proof at next court date. ☐ Counseling to be approved by Probation.

I certify the foregoing copy of judgment rendered on the above date by the above named Judge.

CLERK OF THE COURT BY J. L. Codaw DEPUTY

TO THE SHERIFF: The foregoing certified copy of Judgment in the above entitled action is your authority for the execution thereof. (PC1213)

SUPERIOR COURT IN THE STATE OF CALIFORNIA
COUNTY OF YOLO

PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff,

Case CR-F -08-0003355

vs.

MINUTE ORDER

MARCO ANTONIO TOPETE
Defendant.

Judge: David Rosenberg
Clerk: Heather Salmon
Reporter: Michelle Muller
Date: June 27, 2008

HEARING: Further Arraignment/Plea

Counsel for the People: Jeff Reisig, DA

Counsel for Defendant(s): Tracy Olson, APD
Dean Johansson, APD

8:30 AM

Defendant present in custody. All counsel present in open court.

Matter on for continued arraignment. Defendant answered true name as charged.

Court advised defendant of his rights. Defendant stated he understood his rights.

Defense counsel Johansson presented the court with a motion pursuant to 170.1 PC against the entire bench.

Court ordered the motion be filed by the clerk.

Court advised motion would be taken under submission.

Defense counsel Johansson does not want his client formally arraigned at this time. Counsel has

challenged the bench's ability to hear this matter.

Defendant confirmed he did not wish to continue arraignment at this time.

Ruling on defendant motion set July 3, 2008 at 3:30 PM in Department 9.

If the People wish to file any papers it must be done by June 30, 2008.

Court inquired if counsel had received the Protective Order.

Counsel for the people has received a copy. Defense counsel have not received copies. Copies provided to both defense counsel.

Responses to the SDT provided to defense counsel, copies to be provided to the People. District attorney stipulated the responses could be released to defense counsel.

The motion filed today was Defense Motion #5.

Discovery pages 59 – 143 received by defense counsel.

8:44 AM

Court adjourned.

frmlmins.s (FMO-5)